IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1993 of 2007
DATE OF DECISION: 08-02-2007

Ex.Constable Sajjan Singh, No.932/GRP son of Sh.Risal Singh, r/o Village Bhattol, Tehsil Hansi, District Hisar

.....PETITIONER

VERSUS

1.State of Haryana through Secretary to Government of Haryana Department of Home Affairs, Haryana Civil Secretariat Chandigarh.

2.Director General of Police, Haryana, Haryana Police Headquarter, Sector-6, Panchkula.

3.Deputy Inspector General of Police, Railways and Commando, Haryana, Panchkula.

.....RESPONDENTS

CORAM:- HON'BLE MR.JUSTICE ASHUTOSH MOHUNTA
HON'BLE MR.JUSTICE R S MADAN

PRESENT: Mr.BK Bagri, Advocate
for the petitioner.

R S MADAN, J.

The petitioner had sought employment as a Constable in Haryana Police on 08-01-1989 on the strength of a Matriculation Certificate duly issued by the Haryana School Education Board, Bhiwani. He also submitted the Certificate of 8th Class issued by the Government Senior Secondary School-2 Narela Delhi.

During the period of posting, it transpired that the petitioner had secured the employment by furnishing the bogus/fake

matriculation certificate as well as certificate of Class 8th to the Department. After holding a preliminary enquiry from the Haryana School Education Board, Bhiwani as well as from Government Senior Secondary School-2 Narela, the certificates were found to be fake. The petitioner was charge-sheeted. A departmental enquiry was conducted by the Superintendent of Police, Railways, who found him guilty of charges and awarded the punishment of stoppage of five increments with cumulative effect. The matter when came up before the higher Authorities, the Inspector General of Police dis-agreed with the report of the Enquiry Officer with respect to the awarding of punishment. He was of the view that the petitioner's appointment itself is void ab initio as he was not holding a valid matriculation certificate at the time, he secured the employment as a Constable.

The petitioner preferred mercy petition before the Director General of Police, Haryana, who vide order Annexure P9 filed the same. The petitioner aggrieved by the aforesaid order of the Director General of Police, preferred mercy appeal to the Financial Commissioner and Principal Secretary to Government of Haryana, Department of home, who dismissed the mercy appeal of the petitioner as per Rules 16.29 of Punjab Police Rules, 1934 by observing that the appeal to the Government is not maintainable.

The petitioner through the present civil writ petition under Articles 226/227 of the Constitution of India has impugned the orders of charge-sheet and dismissal passed by Competent and Appellate Authorities.

After going through the order Annexure P1, the petitioner

was issued a show cause notice by Inspector General of Police, Railways & Commando, Haryana, Panchkula as to why his services be not terminated.

Reply to show cause notice was filed by the petitioner.

After going through the reply to the show cause notice, the Inspector General of Police, Railways did not find favour with the reply and dismissed the appeal.

Aggrieved by the impugned order, he further preferred the Revision Petition Annexure P8 which was also dismissed.

Keeping in view the act and conduct of the petitioner that he has tried to secure employment by producing a bogus/fake certificate of Matriculation and Middle Class, his appointment as Constable has rightly been terminated being void ab initio. The order of dismissal was rightly passed by the Authorities.

We do not find any infirmity or impropriety in the impugned orders. Consequently, the writ petition is dismissed.

(R S MADAN)
JUDGE

(ASHUTOSH MOHUNTA)
JUDGE

February 08, 2007
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